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April 9, 2021

VIA ELECTRONIC FILING

Jocelyn G. Boyd, Esquire
Chief Clerk & Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

RE: The Club at Briar's Creek Property Owners' Association Petition for Exemption
from Regulation 103-502.5
Docket No. 2020-276-S

Dear Ms. Boyd:

By this letter, the South Carolina Office of Regulatory Staff ("ORS") hereby notifies the Public Service Commission of South Carolina ("Commission") that ORS has reviewed and does not object to the petition filed by The Club at Briar's Creek Property Owners' Association, Inc. ("POA") for exemption from regulation as a homeowners association ("HOA") under S.C. Code Ann. Reg. 103-502.5 ("Petition").

Overview of the POA's Request

In its Petition, the POA requests exemption from the Commission's regulations as a HOA under S.C. Code Ann. Reg. 103-502.5. The Petition included the documentation required by S.C. Code Ann. Reg. 103-502.5 to meet the definition of a HOA, with one exception.

The wastewater treatment facility and the corresponding land application permit (#ND0080977; herein referred to as the "ND Permit") are currently owned and held, respectively, by Briar's Creek Holdings, LLC. The South Carolina Department of Health and Environmental Control ("DHEC") stated that it will transfer the ND Permit to the POA after the sale is finalized and final sale documents and proof of funding in the reserve account required by DHEC are provided to DHEC.¹ The Petition states that the POA will provide a copy of the revised ND Permit to the Commission and ORS within thirty (30) days of receipt from DHEC.

¹ Petition Item 5: *Copy of Viability Letter issued by DHEC*

Additionally, Joe Bunting of Sentry Management provided a letter on behalf of the POA stating that the provided disclosures represent each owner within the POA.² Mr. Bunting is charged with overseeing the day-to-day management of the POA, which included obtaining the signed Disclosures and Acknowledgments from all the members of the POA.³ The disclosures include language that meets the requirements of S.C. Code Ann. Reg. 103-502.5, Item (e).

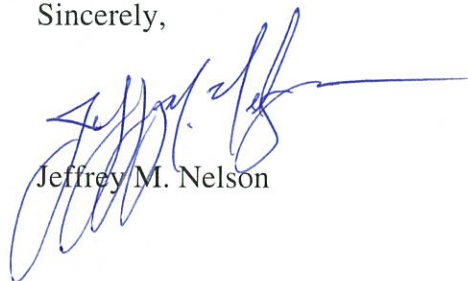
ORS Recommendation

The POA seeks approval of its status as a HOA as defined by S.C. Code Ann. Reg. 103-502.5 prior to taking ownership of the wastewater facilities and obtaining the corresponding ND Permit. ORS considers this a practical sequence of events in this circumstance. However, ORS recommends the approval for designation as a HOA as defined by S.C. Code Ann. Reg. 103-502.5 contain the following conditions to ensure all requirements are satisfied:

1. The POA will file with the Commission written notification of closing on the system transfer and a copy of the request to DHEC to transfer the ND Permit to the POA within thirty (30) days of closing.
2. The POA will file with the Commission a copy of the revised ND Permit which designates the POA as the permittee within thirty (30) days of receipt from DHEC.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Jeffrey M. Nelson

cc: All Parties of Record (via e-mail)
David Butler, Esquire (via e-mail)

² Petition Item 6, *Copy of executed Disclosure Statements*

³ See April 8, 2021 Letter to Jocelyn G. Boyd, Esquire (<https://dms.psc.sc.gov/Attachments/Matter/80d9348a-0539-4efd-93f0-a3438c24e4bd>)